

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/043,639	SARCABAL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Christian L. Fronda	1652	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment dated 02/19/2007.
2. ☒ The allowed claim(s) is/are 50,51,53-67,82-84 and 88.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
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### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Monica De La Paz on 03/30/2007.

2. The amendment dated 02/19/2007 has been entered.

3. The application has been amended as follows:

- In claim 50, line 3, delete the word "comprises"; and replace with the phrase "encodes a glycerol dehydratase and comprises".
- In claim 50, line 5, delete the phrase "complementary sequence"; and replace with the phrase "nucleotide sequence that is fully complementary".
- Replace claim 53 with the following:  
"A recombinant nucleic acid coding for a glycerol dehydratase, wherein the catalytic activity of the glycerol dehydratase is not dependent on coenzyme B12 or one of its precursors, wherein the nucleic acid comprises:  
(a) a first polynucleotide region having at least 90% nucleotide identity with the nucleic acid sequence of SEQ ID NO: 1; and  
(b) a second polynucleotide region having at least 90% nucleotide identity with the nucleic acid sequence of SEQ ID NO: 2."
- Replace claim 61 with the following:  
"A vector comprising the recombinant nucleic acid of claim 50."
- Replace claim 62 with the following:  
"The vector of claim 61, which is an expression vector."
- Replace claim 63 with the following:  
"The vector of claim 61, which is a cloning vector."

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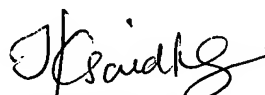
- Replace claim 64 with the following:  
“An isolated recombinant host cell comprising the recombinant nucleic acid of claim 50”.
- Replace claim 65 with the following:  
“The host cell of claim 64, which is an *Escherichia coli* strain filed at the National Collection of Culture of Micro-organisms (NCCM) on June 24, 1999 under the access No. I-2243.”
- Replace claim 66 with the following:  
“The vector of claim 61, which is plasmid pSPD5.”
- In claim 67, line 3, delete the phrase “complementary sequence”; and replace with the phrase “nucleotide sequence that is fully complementary”.
- Cancel claims 86 and 87.
- In claim 88, line 6, after the word “region”; insert “comprising SEQ ID NO: 4”.
- In claim 88, line 7, delete the phrase “SEQ ID NO: 4, wherein the polypeptide comprises the amino acid sequence of”.

***Allowable Subject Matter***

4. Claims 50, 51, 53-67, 82-84, and 88 are allowed.
5. The following is an examiner's statement of reasons for allowance:  
The prior art neither teaches nor suggests the claimed recombinant nucleic acid encoding a glycerol dehydratase, a vector comprising said recombinant nucleic acid, and host cell comprising said vector.

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6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian L Fronda whose telephone number is (571)272-0929. The examiner can normally be reached Monday-Friday between 9:00AM - 5:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura N Achutamurthy can be reached on (571)272-0928. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.
8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). CLF

  
**TEKCHAND SAIDHA**  
**PRIMARY EXAMINER**